

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**JULY 2, 2001**

<b>IN RE:</b>	)	
	)	
<b>BELLSOUTH TELECOMMUNICATIONS, INC.</b>	)	<b>DOCKET NO.</b>
<b>TARIFF TO INTRODUCE CCS7 ACCESS</b>	)	<b>01-00440</b>
<b>ARRANGEMENT SERVICE</b>	)	

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**ORDER**

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This matter came before the Tennessee Regulatory Authority ("Authority") at a regularly scheduled Authority Conference held on June 26, 2001 for consideration of Tariff No. 01-00440. BellSouth Telecommunications, Inc. ("BellSouth") filed this tariff with the Authority on May 16, 2001 to introduce a new access service and to restructure access services for wireless carriers. The tariff was filed with a proposed effective date of June 15, 2001.

After 4:00 P.M. on June 14, 2001, petitions to intervene and a joint petition to suspend the effective date of this tariff (collectively "Petitions") were filed by XO of Tennessee, Inc., US LEC of Tennessee, Inc., Leap Wireless International d/b/a Cricket Communications and Time Warner of the Mid-South, L.P. (collectively the "Petitioners"). The Petitioners assert that the tariff will institute charges for access to SS7, and allege that BellSouth is already recovering the cost of this access through local switching and interconnection charges.

On June 15, 2001, the Executive Secretary sent a letter to BellSouth requesting a written response to the Petitions by June 21, 2001. In replying to the letter, BellSouth took

the position that, because the tariff was already in effect, the Petitions were “formal complaints.” BellSouth relied on Authority Rule 1220-1-2-.03, in asserting that, as a respondent, it had up to thirty (30) days to respond to the formal complaints.<sup>1</sup>

At the June 26, 2001 Authority Conference, determining that the Petitions were untimely objections/complaints to a pending tariff pursuant to the Authority Rule 1220-1-2-.02(4)<sup>2</sup> and recognizing that BellSouth considered the Petitions as “formal complaints,” the Directors accepted the Petitions as formal complaints under Authority Rule 1220-1-2-.09 in order to expedite the resolution of this matter. The Directors then voted unanimously to shorten the period of time for responding to the formal complaints and directed BellSouth to file its response no later than 2:00 P.M., Friday, June 29, 2001.

**IT IS THEREFORE ORDERED THAT:**

1. The petitions to intervene and the joint petition to suspend the effective date filed by XO of Tennessee, Inc., US LEC of Tennessee, Inc., Leap Wireless International d/b/a Cricket Communications and Time Warner of the Mid-South, L.P shall be construed as formal complaints;
2. BellSouth Telecommunications, Inc. shall file its response to the formal complaints no later than 2:00 P.M. on June 29, 2001; and

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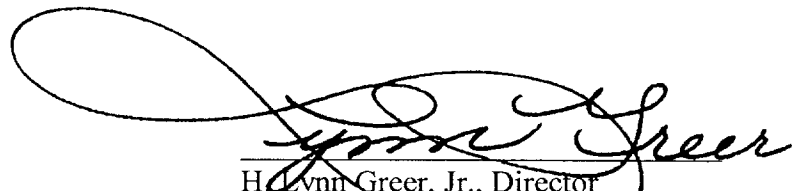
<sup>1</sup> See BellSouth's letter dated June 19, 2001.

<sup>2</sup> TRA Rule 1220-1-2-.02(4): “A tariff filing does not constitute a contested case; however, any interested person may object to the tariff filing by filing a complaint. Any such complaint shall state the nature of the interest, the grounds for any such objection and the relief sought. A copy of the complaint shall be served on the company filing the tariff. The company filing the tariff shall have the right to respond to such complaint. It shall be within the discretion of the Authority to convene a contested case. **A complaint opposing the tariff shall be filed no later than seven (7) days prior to the Authority Conference immediately preceding the proposed effective date of the tariff.**” (emphasis added)

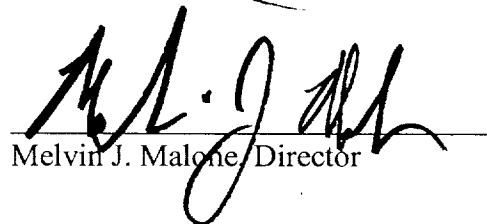
3. BellSouth's Tariff to Introduce CCS7 Access Arrangement Service which went into affect on June 15, 2001, shall remain in effect until further notice.



Sara Kyle, Chairman



H. Lynn Greer, Jr., Director



Melvin J. Malone, Director

ATTEST:



K. David Waddell, Executive Secretary